

## **REMARKS/ARGUMENTS**

In the Final Office Action dated October 7, 2003, the Examiner: (1) rejected claims 1-31 under 35 U.S.C. § 112, second paragraph and (2) rejected claims 1-31 under 35 U.S.C. § 103(a).

### ***Status of the Claims***

Claims 3, 7, 13, 18 and 23-25 are in original form.

Claims 2, 4-6, 8, 11, 12, 15-17, 19, 22, 26-28, 30 and 31 have been amended.

Claims 1, 9, 10, 14, 20, 21, and 29 have been cancelled.

### ***Claim Rejections Under 35 USC § 112, second paragraph***

Claims 1-31 stand rejected under 35 U.S.C. § 112, second paragraph because the term “dual seals” lacks antecedent basis. Independent claims 2 and 8 have been amended to provide proper antecedent basis for the term “dual seals”, thereby overcoming the rejection under 35 U.S.C. § 112, second paragraph.

### ***Claim Rejections Under 35 USC § 103(a)***

Claims 1-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Baldwin et al., U.S. Patent No. 6,042,152 (hereinafter *Baldwin*) in view of Applicant's Admitted Prior Art (pages 2-5). The Examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the liner assembly of *Baldwin* to employ a metal liner assembly in view of Applicant's disclosure regarding metal liners.

Applicant respectfully submits that the combination of *Baldwin* in view of Applicant's disclosure regarding metal liners does not establish a *prima facie* case of obviousness with respect to claims 2-8, 11-13, 15, 16, and 23-27, as amended. In particular, the Examiner states that *Baldwin* teaches a mechanical seal, namely the ribs of the Y-shaped seal 24A extending into grooves 34, 36 in the fitting 14 as depicted in Figure 6, and an elastomeric seal, which is formed when the elastomeric liner 20 cures to bond to the seal 24. However, *Baldwin* fails to teach or suggest dual seals comprising a mechanical seal in a liner assembly between a transition ring and a MCI and an elastomeric seal formed between an elastomeric tip provided on the MCI and an elastomeric shear ply in accordance with claim 2, as amended. Similarly, *Baldwin* fails to teach or suggest a method comprising the step of providing dual seals comprising a mechanical seal in the liner assembly between a transition ring and a metal to composite interface (MCI) and an elastomeric seal formed

between an elastomeric tip provided on the MCI and an elastomeric shear ply in accordance with independent claim 8, as amended. Given these fundamental structural differences, the combination of *Baldwin* and Applicant's disclosure regarding metal liners does not teach or suggest each and every element of independent claim 2 or independent claim 8. Accordingly, Applicant submits that claim 2 and claim 8 are in condition for allowance over the art of record.

Additionally, claims 3-7, 11-13, 15, 16, and 23-27 each depend from and incorporate the limitations of either independent claim 2 or independent claim 8. Therefore, Applicant submits that claims 3-7, 11-13, 15, 16 and 23-27 are likewise patentably distinguishable over *Baldwin*, alone or in combination with Applicant's disclosure regarding metal liners.

Referring now to claims 17-19, 22, 28, 30, and 31, Applicant respectfully submits that the combination of *Baldwin* and Applicant's disclosure regarding metal liners does not establish a *prima facie* case of obviousness with respect to these claims. In particular, the combination fails to teach or suggest an elastomeric tip provided along an end of the MCI for forming an elastomeric seal with an elastomeric shear ply provided on the outside of the liner assembly; and a mechanical seal surface on the inner surface of the MCI proximate said elastomeric tip for forming a mechanical seal with a metal transition ring of the liner assembly, wherein the elastomeric seal and the mechanical seal are separate and distinct seals in accordance with amended claim 17. Given these fundamental structural differences, the combination of *Baldwin* and Applicant's disclosure regarding metal liners does not teach or suggest each and every element of independent claim 17. Accordingly, Applicant submits that claim 17 is in condition for allowance over the art of record.

Additionally, claims 18, 19, 22, 28, 30 and 31 each depend from and incorporate the limitations of independent claim 17. Therefore, Applicant submits that claims 18, 19, 22, 28, 30 and 31 are likewise patentably distinguishable over *Baldwin*, alone or in combination with Applicant's disclosure regarding metal liners.

### ***Supplemental IDS***

Applicant submits herewith a supplemental IDS listing the *Written Opinion* dated August 29, 2003 for the corresponding PCT application PCT/US02/38560. Applicant notes that the prior art cited in the PCT application is already of record in the present application.

### ***Request for IDS Page***

Applicant did not receive with the Office Action dated March 31, 2003 a signed second page of the PTO 1449 filed by Applicant on July 31, 2002 indicating that the art cited therein has been considered. Applicant respectfully requests a copy of this missing page of the IDS.

## CONCLUSION

Applicant may have, at times, referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art, which have yet to be raised, but which may be raised in the future.

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Final Office Action dated October 7, 2003 has been fully addressed. If any fee is due as a result of the filing of this paper please appropriately charge such fee to Deposit Account Number 03-2769 of Conley Rose, P.C., Houston, Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,  
CONLEY ROSE, P.C.

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